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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 JOSE GOMEZ, individually and on behalf
12 of a class of similarly situated individuals,

13 Plaintiff,

14 vs.

15 CAMPBELL-EWALD COMPANY, a
16 Delaware corporation,

17 Defendant.

CASE NO. CV10-2007 DMG (CWx)

**STIPULATION TO MOVE DATE FOR
FILING MOTION FOR CLASS
CERTIFICATION (L.R. 23-3)**

Complaint filed on: March 19, 2010

18 This Stipulation is entered into by and between plaintiff Jose Gomez (“Plaintiff”) and
19 defendant Campbell-Ewald Company (“Campbell-Ewald”) through their respective counsel
20 with reference to the following:

21 **RECITALS**

22 WHEREAS, Plaintiff filed his Complaint in this matter on or about March 19, 2010;

23 WHEREAS, Plaintiff served Defendant Campbell-Ewald on March 19, 2010;

24 WHEREAS, Plaintiff also served Defendant Campbell-Ewald with a copy of Hon.
25 Dolly M. Gee’s Order re: Case Management;

26 WHEREAS, Defendant Campbell-Ewald responded to the Complaint with its Motion
27 to Dismiss on May 19, 2010, and that Motion to Dismiss is currently set for hearing on July
28 26, 2010;

1 WHEREAS, Plaintiff filed this lawsuit as a putative class action, and pursuant to
2 Local Rule 23-3, Plaintiff's motion for class certification is otherwise due to be filed by no
3 later than June 17, 2010;

4 WHEREAS, Plaintiff Gomez wishes to wait for Defendant Campbell-Ewald to
5 answer or otherwise respond to the Complaint, and to conduct pre-certification discovery,
6 before filing his motion for class certification; and

7 WHEREAS, Defendant Campbell-Ewald agrees that it would be inefficient for the
8 Court and the parties to expend resources on class certification-related activities before
9 Defendant has responded to the Complaint and before any threshold motions are resolved
10 and the pleadings are more settled.

11 **STIPULATION**

12 NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the parties to
13 this action through their undersigned counsel that:

14 (1) Although Defendant does not stipulate to the need for any discovery,
15 Defendant does agree and stipulate with Plaintiff (subject to the Court's approval) that the
16 deadline for Plaintiff to file her motion for class certification should be extended for the
17 reasons stated above. Following disposition of Defendant's responsive pleadings, the Parties,
18 if necessary, anticipate presenting a proposed discovery schedule to the Court setting forth
19 the deadlines and requirements associated with the parties' Rule 26(f) conference and report.

20 (2) There have been no prior requests for relief from Local Rule 23-3.

21 (3) The parties reserve all rights and neither this stipulation nor anything herein
22 may be used to prejudice or support any requests for or any objections to discovery,
23 including any discovery sought in connection with any motion for class certification.

24 (4) Pursuant to L.R. 11-4.5, the parties have requested the Clerk to return a
25 conformed copy of this Stipulation by U.S. mail to each party, and copies of this Stipulation
26 are submitted for that purpose accompanied by postage-paid, self-addressed envelopes.

1 (5) This Stipulation may be executed in counterparts, each of which when so
2 executed shall be deemed an original and all of which shall constitute together one and the
3 same instrument.

4 IT IS SO STIPULATED.

5 Dated: May 26, 2010

EDELSON MCGUIRE, LLP

7 By: /s/ Sean Reis

Sean Reis

8 *Attorneys for Plaintiff JOSE GOMEZ and*
9 *the putative class*

10 Dated: May 26, 2010

LOEB & LOEB LLP

12 By: /s/ Michael L. Mallow

Michael L. Mallow

13 *Attorneys for Defendant CAMPBELL-*
14 *EWALD COMPANY*